

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT MARSHALL,)	
)	No. CV-09-3118-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION TO REMAND
)	
MICHAEL J. ASTRUE,)	(Ct. Rec. 27)
Commissioner of Social)	
Security,)	
)	
Defendant.)	

The parties have filed a stipulated motion for remand of this case to the Commissioner for further administrative proceedings (Ct. Rec. 27). The parties have filed a consent to proceed before a magistrate judge (Ct. Rec. 8).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge will address plaintiff's counsel's request to cross-examine Wing Chau, M.D., who conducted a post-hearing examination and submitted a report. The ALJ will offer plaintiff a new hearing and the opportunity to submit additional evidence and argument.

Because this remand is pursuant to sentence four of 42 U.S.C.

1 § 405(g) with a remand of the cause to the Commissioner for
2 further proceedings (*See, Melkonyan v. Sullivan*, 501 U.S. 89
3 (1991)), plaintiff is entitled to reasonable attorney's fees and
4 costs pursuant to 28 U.S.C § 2412(a),(d), upon proper request to
5 this Court.

6 Accordingly, this court **reverses** the Commissioner's decision.

7 **IT IS FURTHER ORDERED:**

8 1. The parties' stipulated motion for an order of remand
9 (**Ct. Rec. 27**) is **GRANTED**.

10 2. Judgment shall be entered for the **PLAINTIFF**.

11 3. An application for attorney fees and costs may be
12 filed by separate motion.

13 4. The District Court Executive is directed to enter
14 this Order, forward copies to counsel, and **close** this file.

15 **IT IS SO ORDERED.**

16 **DATED** this 16th day of December, 2010.

17 s/James P. Hutton
18 JAMES P. HUTTON
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28